

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST
LITIGATION

Civ. No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

33-35 GREEN POND ROAD ASSOC., LLC,
on behalf of itself and all others similarly
situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

Civ. No. 12-cv-5822 (NRB)

COURTYARD AT AMWELL II, LLC, et al.,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

Civ. No. 12-cv-6693 (NRB)

NON-DEFENDANT OTC PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR
AUTHORIZATION TO DISSEMINATE NOTICE OF SETTLEMENTS TO THE NON-
DEFENDANT OTC CLASS, APPOINTMENT OF RUST CONSULTING AS THE NOTICE
AND CLAIMS ADMINISTRATOR, HUNTINGTON BANK AS THE ESCROW AGENT,
AND FOR PRELIMINARY APPROVAL OF PLAN OF ALLOCATION

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD

PLEASE TAKE NOTICE that, on a date and at a time to be determined by the Court, at
the United States District Court for the Southern District of New York, Daniel Patrick Moynihan

Courthouse, 500 Pearl Street, New York, New York 10007, in the Courtroom of the Honorable Naomi Reice Buchwald, the Non-Defendant OTC Plaintiffs will, and hereby do, move the Court, pursuant to Federal Rule of Civil Procedure 23(e), for an Order: (i) authorizing the Non-Defendant OTC Plaintiffs' Counsel to send notice of five proposed class action settlements (*Settlements*) reached between Non-Defendant OTC Plaintiffs and Defendants: (1) Barclays PLC, Barclays Bank PLC, and Barclays Capital Inc.; (2) JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A.; (3) Bank of America Corporation and Bank of America, N.A.; (4) Citibank, N.A.; and (5) HSBC Bank plc in the above-captioned action; (ii) approving Non-Defendant OTC Plaintiffs' choice of Rust Consulting Inc. as Notice and Claims Administrator of the Settlements and Huntington Bank as the Escrow Agent; and (iii) preliminarily approving the Plan of Allocation.

Submitted herewith in support of Non-Defendant OTC Plaintiffs' Motion are: (i) the Non-Defendant OTC Plaintiffs' Memorandum of Law in Support of Motion for Authorization to Disseminate Notice of Settlements to the Non-Defendant OTC Class, Appointing Rust Consulting as the Notice and Claims Administrator, Huntington Bank as the Escrow Agent, and for Preliminary Approval of Plan of Allocation; (ii) the March 10, 2020 Declaration of Shannon R. Wheatman in Support of Notice Program in the Non-Defendant OTC Action and exhibits thereto; (iii) the March 10, 2020 Declaration of Steven J. Greenfogel and exhibits thereto; (iv) the proposed Plan of Allocation; and (v); the [Proposed] Order Authorizing Notice of the Settlements to the Non-Defendant OTC Class and Preliminarily Approving the Plan of Allocation.

DATED: March 10, 2020

Respectfully submitted,

LITE DEPALMA GREENBERG LLC

/s/ Joseph J. DePalma

Joseph J. DePalma
Steven J. Greenfogel
570 Broad Street, Suite 1201
Newark, New Jersey 07102
Tel: (973) 623-3000
jdepalma@litedepalma.com
sgreenfogel@litedepalma.com

William H. London
FREED KANNER LONDON & MILLEN LLC
2201 Waukegan Road, Suite 130
Bannockburn, Illinois 60015
Tel: (224) 632-4504
blondon@fklmlaw.com

Vincent J. Esades
HEINS MILLS & OLSON, P.L.C.
310 Clifton Avenue
Minneapolis, Minnesota 55403
Tel: (612) 338-4605
vesades@heinsmills.com

*Counsel for plaintiff 33-35 Green Pond Road Associates,
LLC and the Non-Defendant OTC Class*

Jason A Zweig
HAGENS BERMAN SOBOL SHAPIRO LLP
555 Fifth Avenue, Suite 1700
New York, New York 10017
Tel: (708) 628-4958
jasonz@hbsslaw.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Tel: (206) 623-7292
steve@hbsslaw.com

*Counsel for plaintiffs Courtyard at Amwell II, LLC,
Greenwich Commons II, LLC, Jill Court Associates II, LLC,
Maidencreek Ventures II LP, Raritan Commons, LLC, and
Lawrence W. Gardner and the Non-Defendant OTC Class*